

REMARKS/ARGUMENTS

Claims 1-12 and 15 remain pending in the Application. Claims 1-11 and 15 are amended herein.

No new matter is added as a result of the Claim amendments.

35 U.S.C. § 103 Rejections

Claims 1-12 and 15 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mogul et al (U.S. Patent No. 6,234,761), hereinafter referred to as "Mogul," in view of Abbott et al. (U.S. Patent No. 6,314,463), hereinafter referred to as "Abbott." Claim 1 of the present invention recites (emphasis added):

A data service system in a data service network system, comprising:

a content server that statically stores a plurality of content files for access by external access requests, wherein a first of said plurality of content files comprises content stored in a full content format and wherein a second of said plurality of content files comprises corresponding content stored in an adapted content format which is less resource-intensive to serve than the full content format; and

an adaptive load control system coupled to said content server to pass the access requests to said content server, wherein the adaptive load control system modifies an access request address to access said second of said plurality of content files instead of said first of said plurality of content files when said content server is in an overload condition such that said content server is maintained at safe load conditions, said adaptive load control system comprising:

a load monitor that monitors the load condition of said content server without requiring monitoring of the network, said load monitor establishing the load condition of said content server by measuring an amount of time between when said content server receives the external access request and when said content server provides the external access request.

Claim 9 of the present invention recites similar claim limitations. The Applicants respectfully submit that Mogul does not teach or suggest a first statically stored file comprising content stored in a full content format and a second statically stored content file comprising corresponding content stored in an adapted content format which is less resource-intensive to server than the full content format as recited in Claims 1 and 9 of the present invention. Instead, the Applicants understand the Mogul as teaching dynamically converting the full format content to a lower resolution form based upon available bandwidth. However, Mogul does not teach or suggest that the lower resolution form of the content is statically stored in a second file as recited in Claims 1 and 9 of the present invention. The Applicants further submit that the teaching of Mogul teaches away from the Claim limitations of accessing a second statically stored

content file comprising corresponding content stored in an adapted content format which is less resource-intensive to serve than the full content format as recited in Claims 1 and 9 of the present invention.

Similarly, the Applicants respectfully submit that Abbott does not teach or suggest a first statically stored file comprising content stored in a full content format and a second statically stored content file comprising corresponding content stored in an adapted content format which is less resource-intensive to server than the full content format as recited in Claims 1 and 9 of the present invention. Accordingly, the Applicants respectfully submit that Mogul alone, or in combination with Abbott, does not teach or suggest the claim limitations recited in Claims 1 and 9 of the present invention. Thus, the Applicants respectfully submit that the rejection of Claims 1 and 9 under 35 U.S.C. § 103(a) is not supported by the cited references.

Claims 2-8 depend from Claim 1 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 2-8 under 35 U.S.C. § 103(a) are not supported by the cited references.

Claims 10-12 and 15 depend from Claim 9 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 10-12 and 15 under 35 U.S.C. § 103(a) are not supported by the cited references.

CONCLUSION

In light of the above remarks, the Applicants respectfully request reconsideration of the rejected Claims.


Based on the arguments presented above, the Applicants respectfully assert that Claims 1-12 and 15 overcome the rejections of record and, therefore, the Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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